

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LEE E. STEINMAN,

Case No.:

Plaintiff,

v.

State of Michigan Huron County

Case No. 15-105312-NF

ACE AMERICAN INSURANCE COMPANY,

Hon. Gerald M. Prill

Defendant.

KENNETH L. BUTTERS (P78197)

BRICK GENTRY, P.C.

Attorney for Plaintiff

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Attorney for Defendant

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TO: Clerk of the Court
Wayne County Circuit Court
Two Woodward Avenue
201 CAYMC
Detroit, MI 48226

Hon.

NOTICE OF REMOVAL
TO THE U.S. DISTRICT COURT – EASTERN DISTRICT OF MICHIGAN

SOUTHERN DIVISION AND COUNSEL OF INTEREST

NOW COMES the Defendant, ACE AMERICAN INSURANCE COMPANY, a duly registered business (hereinafter “Defendant”), by and through its undersigned counsel, pursuant to 28 U.S.C. §1332, §1441 and §1446, and Fed. R. Civ. P. 11, and files this Notice of Removal of the lawsuit entitled: LEE E. STEINMAN, (henceforth referred to as “Plaintiff”) -vs- ACE AMERICAN INSURANCE COMPANY (henceforth referred to as “Defendant”) pending in the Circuit Court in and for Huron County, Michigan, Case No. 15-105312-NF hereinafter "the State Court Action"). As grounds for removal, Defendant states as follows:

1. This Notice of Removal has been filed within the time prescribed in 28 U.S.C. §1446(b). This Court has original jurisdiction pursuant to 28 U.S.C. §1332(a).

BACKGROUND

2. In this matter the Plaintiff alleges that he was involved in an automobile accident on October 3, 2012.

3. That following said accident the Defendant became obligated, and breached its to pay the Plaintiff Michigan No-fault personal injury protection benefits pursuant to MCL 500.3101 et seq.

4. The Plaintiff's Complaint was filed on or about February 12, 2015.

5. On February 20, 2015, Plaintiff's counsel, via certified mail return receipt, mailed a copy of said Summons and Complaint to the Defendant. On February 25, 2015, Defendant's Registered Agent, CT Corporation, received said pleadings.

DIVERSITY OF CITIZENSHIP

6. Pursuant to the Plaintiffs Complaint, he is a resident and domiciled in the State of Michigan at 39 N. Caseville Road, Pigeon, Michigan. (See Exhibit A, Pages 1)

7. The Defendant is a Pennsylvania Corporation. (See Exhibit A, Page 1)

8. At the time this Complaint was filed, Defendant was and continues to be domiciled in the State of Pennsylvania at 2 Liberty Place 1601 Chestnut St. Philadelphia, PA 19103.

9. Pursuant to a conversation between defense counsel Kevin Plagens and Plaintiff's counsel Kenneth L Butters , on March 6, 2015, Plaintiff's counsel alleges that Plaintiff's damages are far in excess of \$75,000 (See Exhibit B). Therefore, pursuant to Fed.R.Civ.P. LR 81.1, and 28 USC §1332 (a), this matter meets jurisdictional limits for diversity.

10. Pursuant to 28 USC §1332 (a), the district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between:

(1) citizens of different States;

11. Because the Defendant removed this case on March 23, it is within thirty days of service of the State Court action, making this removal timely.

12. The Defendant has sought and received concurrence from Plaintiff's counsel regarding this petition.

13. The undersigned has served written notice of the removal of this action on Plaintiff by serving its counsel with this Notice of Removal, and has filed a Notice of Filing Notice of Removal with the Clerk of the Circuit Court in and for Huron County, Michigan.

KOPKA, PINKUS, DOLIN & EADS, P.L.C.

/s/ Kevin J. Plagens

KEVIN J. PLAGENS (P55992)

Attorney for Defendant

33533 West 12 Mile Road, Suite 350

Farmington Hills, MI 48331-5611

(248) 324-2620

Dated: March 21, 2015

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing instrument was served upon the attorneys of record to the above cause, by Electronic Case Filing, on March 20th, 2015.

/s/Jacqueline Nicholson